

# EXTRA TERRITORIAL COVERAGE

RCW 51.12.120

## FOR WASHINGTON WORKERS WORKING IN ANOTHER STATE

**RCW 51.12.120 (1)** says a Washington worker working outside of the territorial limits of Washington State is entitled to Washington benefits just as though he were working in Washington **provided:**

- (a) The employment is principally localized in Washington state; or
- (b) The contract of hire was made in Washington for employment not principally localized in any state; or
- (c) The contract of hire was made in Washington to work in a state whose worker compensation is not applicable to their employer; or
- (d) The contract of hire was made in Washington for employment outside the United States and Canada.

**RCW 51.12.120 (2)** says compensation received from another state, territory, province, or foreign nation shall not prevent the receipt of compensation under Washington industrial insurance for Washington workers;

**PROVIDED, THE CLAIM IS TIMELY FILED.**

The amount awarded under the other workers' compensation law shall be credited against the amount due under Washington's worker compensation law.

**RCW 51.12.120 (3)** says an employer who is not domiciled in this state who employs any workers and to whom RCW 18.27 or RCW 19.28 or RCW 47.28.070 applies, must secure payment of compensation by one of the following methods:

1. Obtaining workers' compensation under Title 51 (State Fund account) or
2. Qualify as a self-insurer or
3. If from another state or province with which Washington has a reciprocal agreement, file a certificate of coverage with the department.

**RCW 51.12.120 (4)** says a worker injured in Washington while working for an employer who is domiciled in another state and has no Washington account would be subject to the other state's laws, **IF, the employer has filed a certificate** with the Director of the Department of Labor and Industries certifying the employee and his/her injury is paid for and covered under the industrial insurance laws of the other state. The specific process for this to occur is detailed in RCW 51.12.120 (3). You will need to read the RCW to ensure the requirements have been met.

**IF, the employer has not complied with RCW 51.12.120 (3),** the claimant shall be paid compensation by the department and the employer shall have the same rights and obligations, and is subject to the same penalties as other employers subject to this title.

**IF THE ABOVE PROCEDURES HAVE NOT BEEN MET, THE INJURED WORKER WOULD BE ENTITLED TO WASHINGTON BENEFITS.**

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This card is intended as a Quick Reference Guide. We make every effort to ensure that it is correct. When using this card, please understand it is not intended to replace Department of Labor and Industries or insured's policies, procedures, RCW's or WAC's in their entirety.

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## SIDE 2

**RCW 51.12.120 (5)** designates:

- (a) A person's employment is principally localized in this or another state when:
  - (i) The employer has a place of business in this or the other state and the employee regularly works at or from such place of business; or
  - (ii) The employee is domiciled in and spends a substantial part of their working time in the service of their employer in this or the other state.
- (b) "Worker's Compensation law" includes "occupational disease law".

**RCW 51.12.120 (6)** A worker whose duties require them to travel regularly in the service of their employer in this and one or more other states may agree in writing by completing a "coverage agreement form" with their employer that their employment is principally localized in this or another state. Unless the other state refuses jurisdiction, said agreement shall govern as to the liable compensation for any injury occurring after the effective date of the agreement.

**RCW 51.12.120 (7)** The director is authorized to enter into agreements with other states and Canada with respect to conflicts of jurisdiction and the assumption of jurisdiction in cases where the employment is in one state and the injury occurs in another. If the other state's laws require Washington employers engaged in work in the other state to obtain coverage in the other state, then employers domiciled in that state while engaged in the same type of work in Washington, must be covered by Title 51. Once any such agreement has been made, it shall bind all employers and workers subject to Washington industrial insurance and its jurisdiction.

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We have reciprocal agreements with the following states:

**IDAHO  
OREGON  
MONTANA  
NEVADA  
NORTH DAKOTA  
SOUTH DAKOTA  
UTAH  
WYOMING**

Reciprocal agreements mean that Washington and the other state have agreed in writing to recognize the industrial insurance coverage provided by the agreeing states for their employees while working in Washington or the other state, e.g., a Washington worker working in Oregon would be covered in Washington.

More specific information regarding Washington workers' benefits while working in another state can be found in RCW 51.12.120 and your policy and procedures manual. Information regarding individual Reciprocity agreements can be found on the individual Quick Reference Cards for that state. If you need assistance, you may contact your supervisor or Tammy Turner, 902-4777.